those amendments. I would like to know whether the Government of India have got any representation from the Government of Tamil Nadu for such amendments and legislation; and if so, whether the Government is considering introduction of such legislation before the end of this Session.

श्री राम विलास पासवान : मैं ने कहा कि इस पेंशन संबंधी कानून पर सरकार विचार कर रही है और जितनी जल्दी हो सकेगी वह पार्लियामेंट में लाएगी। जहां तक सरकार का मामला है, निश्चित रूप से यह हमारी नॉलेज में नहीं है। हम पता लगाएंगे और निश्चित रूप से देखेंगे कि तमिलनाडु की सरकार ने क्या रिकमंडेशंस की है और क्या सुझाव दिया है।

SHRI S. MADHAVAN : Madam, is it a fact that the State Governments and State Corporation have to get the permission of the Government of India to introduce this pension scheme? Even though the Corporations want to give pension from their own funds, the Government of India is refusing. As mentioned earlier, the AIADMK Government had sent the proposal, the DMK Government has reiterated it, but it is still pending with the Government of India. I want to know whether the Minister will consider it.

श्री राम विलास पासवान : मैं ने कह दिया कि हम इसे नोट कर रहे हैं और अगली बैठक में हम देखेंगे कि क्या उनका सुझाव है और क्या उस में किया जा सकता है।

Review of cases of victimised Railwaymen

*62. SHRI SUNIL BASU RAY:†
SHRI SUKOMAL SEN:

Will the Minister of RAILWAYS be pleased to state·

(a) whether Government propose to reinstate those victimised railway employees in their jobs who were removed/dismissed under Rule 14 (ii) of the Railway Servants (Discipline and Appeal) Rules by the previous Government;

(b) if so, whether Government have evolved any time frame in this regard; and

(c) if not, what are the reasons thereof?

THE MINISTER OF RAILWAYS (SHRI GEORGE FERNANDES): (a) Government proposes to review cases of such railway servants as were removed/dismissed from 1980-1981 and onwards under Rule 14 (ii) of the Railway Servants (Discipline & Appeal) Rules for participating in Trade Union agitations.

(b) and (c) The process of review has already been initiated. Since a large number of cases are involved and the process of review is an involved process, a precise date for completion of the process cannot be indicated.

SHRI SUNIL BASU RAY: Madam, the reply is beautifully vague. Since the question is pending before the trade union movement in general and, in particular, of the railwaymen, I think the reply should have been or would have been more precise and comprehensive. Firstly, in reply to (a) it is said that Government proposes and, in (b) and (c) it is said that the process has already been initiated. I do not know which one is correct. But, taking (b) and (c) as correct, may I request the honourable Minister to please intimate us whether any action has been taken during this period, when the process of review has been commenced, what is the strength of the Review Board members—how many people are doing this job—how many cases have been decided till date and whether the Government is desiring to take or is taking action to amend article 311 of the Constitution which is the source of these penal actions? Now, there are more than 1,100 loco running staff and other categories of workers of railways who are under different panel

†The question was actually asked on the floor of the House by Shri Sunil Basu Ray.

actions—victimization 536, break in service 425, penal transfer 58 and reversions 77. Apart from these 1,096 who are suffering for the last one decade almost, there are a large number of Station Masters and Assistant Station Masters who are under different penal actions for their trade union activities. Now, there is no question of reviewing this question.

THE DEPUTY CHAIRMAN: Please be brief.

SHRI SUNIL BASU RAY: I am very brief. I generally do not speak. So, I wish to know whether the Government is taking action and, if so, by which date these people will go back to their jobs. A number of victimized workers...

THE DEPUTY CHAIRMAN: You can put it in the second supplementary. Let him answer this much. Otherwise he might forget by that time.

SHRI SUNIL BASU RAY: I am thankful for your help.

SHRI GEORGE FERNANDES: Madam Deputy Chairperson, the process of review is on and all that I have said is that it is difficult to specify a date by which it would be completed.

SHRI SUNIL BASU RAY: Already eight months are over.

SHRI GEORGE FERNANDES: Yes, that is true. The information has been gathered from the various zonal railways. That information is now under process. One problem that we have in all these cases where dismissals have been made under 14(ii) is that the matters have to be referred to the UPSC. And without reference to the UPSC it is not possible to move for the reinstatement of these persons or for any other review action in regard to those who have already been removed or otherwise punished under rule 14(ii). That is why I have made the point that I am not binding myself down to any particular date, but there is a commitment to review these cases and to see that justice is done to all those trade union activists who have been punished under rule 14 (ii).

SHRI SUNIL BASU RAY: My second supplementary is this, that the Government is not moving in the Railway Department in spite of the Central Administrative Tribunal's different awards in favour of the workers. Instead of applying those favourable awards, the Government is running to the Supreme Court to quash those awards. So, I want to know whether the Government is willing to change its policies and decide to implement the Central Administrative Tribunal awards.

There are other aspects. Some human aspects should also be considered. The families of the victimised workers are suffering, and they are not getting any pension because those workers are victimised. So, may I know whether the Government is willing to revoke these victimisations and restore pension benefits to their families?

There is another question, and this will be my last question, whether the Government is desiring to regularise the period which has not been regularised after the penal action taken was revoked. That is the period between the date of penal action taken and the date of revocation. Whether this period will be regularised, that I want to know.

These are my questions, and I think that the hon. Minister will reply to them.

SHRI GEORGE FERNANDES : Well, if the hon. Member were to get me any specific instances where the decisions of the Tribunal have not been implemented, I would look into them because as far as I am aware, of the 611 employees among the loco running staff who were either dismissed or were removed from service as a result of court decisions which include those of the CAT and also as a result of departmental decisions, 226 have been reinstated.

I am aware of the hardship that is being caused to those who are not receiving either their pension or whose

dues have not been paid, and also the families of the persons who after their removal have passed away, have not been cared for. These cases are also under review. We will have a decision soon on this.

THE DEPUTY CHAIRMAN : Mr. Sukomal Sen.

SHRI SUNIL BASU RAY : I want to inform the hon. Minister...

THE DEPUTY CHAIRMAN : No, You have already asked, Mr. Ray. I will ask Mr. Sukomal Sen to ask a question. Let Mr. Sukomal Sen ask him a question. I have called him.

SHRI SUNIL BASU RAY : The All India Loco Running Staff Association have written a letter to you. I think you have the details in your file.

SHRI SUKOMAL SEN: Madam, we are confronted with a very peculiar situation. I am sorry that I have to ask questions of Mr. Fernandes who himself is a very eminent trade-union leader and my friend. He also led the historic strike of railwaymen in 1974.

Madam, I would like to remind Mr. Fernandes because he said that unless the review is done, nobody can be reinstated and that he would do justice to railwaymen. When he led the strike in 1974, hundreds of railway employees were dismissed straight away under rule 14 (ii), several thousands. Then, when the Janata Government came, Prof. Madhu Dandavate became the Railway Minister. Within six weeks, without any review, he straightway reinstated all the employees of the railways who had stood dismissed after the strike in 1974. At that time there was no question of review. Now Mr. Fernandes himself is the Minister of Railways. Now he says that without review he cannot do it. I do not understand the position. If this thing was done after 1974 by Prof. Madhu Dandavate without review, what is standing in the way of Mr. Fernandes in reinstating all these employees straightway, without review? Whether Mr. Fernandes is ruling over the Railway Board or the Railway Board is ruling over Mr. Fernandes, I do not understand.

I would like to have an assurance from the hon. Minister. Is he going to give an assurance to the House that all the railwaymen who stand dismissed or otherwise punished, are going to be reinstated immediately and within a time-frame? He should give a clear-cut assurance to the House because all the railwaymen, 16 lakh railwaymen are looking towards him and to Parliament, to what he says today.

SHRI PRAMOD MAHAJAN: It seems that the union leader George is not able to convince the Minister Fernandes.

SHRI GEORGE FERNANDES: Madam Chairperson, I have already made my point that justice would be done. If I am following certain procedures, well, it is for the simple reason that these procedures govern not merely the railway workers but that these procedures govern the entire gamut of, not the working class, but the civil service. Therefore, if any departure is to be made from certain rules that have been specified by the President, then, I will have to go in for a thorough discussion on this. Now that the hon. Member has made such a suggestion, I will certainly take up this matter. I am not binding myself to any time-frame for the simple reason that any assurance or any commitment made in this House will have to be honoured. I am not hesitant. I am only keeping that much of leeway. At the earliest possible time we will see that this problem is solved.

SHRI YASHWANT SINHA: Has the procedure changed?

SHRI GEORGE FERNANDES: In 1977 that procedure was not followed.

SHRIMATI JAYANTHI NATARAJAN: Madam, I would like to put a

question to the hon. Minister. Before I start, I would like to say that actually my question is not directly relating to rule 14 but to discipline among the railwaymen.

Yesterday, Madam, the Railway Minister was speaking at a convention about corruption in the railways. He seems to have said that more than Rs. 200 crores is changing hands in the railways annualy, that over I lakh jobs in the railways are being sold annually for amounts between Rs. 20,000 and Rs. 30,000 for each job, that certain sectors of officials are involved in these transactions and that Rs. 200 crores are being generated by way of corruption in the railways.

Madam, I want to ask the hon. Minister whether he has made the statement on the basis of any definite information, whether there are any statistics and secondly what action he is going to take against those sections of officials who have been involved in corruption.

THE DEPUTY CHAIRMAN: It is not related to the question.

SHRIMATI JAYANTHI NATARAJAN: It is about discipline in the railways. If you feel that it is not related, it is all right.

THE DEPUTY CHAIRMAN : I think it is not related.

SHRIMATI JAYANTHI NATARAJAN: If you feel it is not related, it is all right.

AN HON. MEMBER: If the Minister wants to respond to it, let him respond.

SHRIMATI JAYANTHI NATARAJAN: Because it is a matter of discipline, I raised it.

THE DEPUTY CHAIRMAN: Railways have got so many problems. So we cannot take them together.

SHRIMATI JAYANTHI NATARAJAN: I won't accept, Madam.

SHRI SATYA PRAKASH MALAVIYA: Madam, the Minister has replied that justice would be done. He knows that justice delayed is justice denied. A large number of delegations met the Minister many times, and he has assured that he is looking into the matter sympathetically. He has not committed himself to a particular date. But my question is whether he can assure the House that a decision will be taken by the end of the year 1990.

SHRI GEORGE FERNANDES: It will be taken much before the end of the year.

कुमारी सईदा खातून: माननीय उपसभापति महोदया, मैं माननीय रेल मंत्री जी से यह जानना चाहती हूं कि कर्मचारी एक्ट जो बनाया गया है उसमें आज तक हिन्दुस्तान में कितने रिटायर्ड मैम्बर्स ऐसे हैं जिनके इनवेलिड बच्चों को पेंशन दी जा रही है? वह तादाद जानना चाहती हूं और इस एक्ट के तहत रिटायरमेंट के वक्त जो उनको सर्विस बुक दी जाती है तो उसमें इनवेलिड बच्चों के नाम एड होते हैं या नहीं होते हैं, यह मैं जानना चाहती हूं?

श्री सत्य प्रकाश मालवीय: यह दूसरा सवाल आ गया, आप दूसरे सवाल पर हैं।

कुमारी सईदा खातून: कर्मचारी एक्ट के तहत कितने कर्मचारी ऐसे हैं जिनके इनवेलिड बच्चों को आप पेंशन देते हैं? ...(व्यवधान)...

श्रीमती सत्या बहिन: कर्मचारियों की बात को आप गोल करना चाह रहे हैं।

कुमारी सईदा खातून: जो नाबालिग बच्चों को पेंशन दी जाती है उसका इसमें प्रावधान है या नहीं? अगर है तो कितने बच्चों को आप पेंशन दे रहे हैं और अगर नहीं है तो आप एक्ट में इसे लागू करने का प्रावधान रखेंगे या नहीं?

THE DEPUTY CHAIRMAN: I think the question is very specific. You can give another notice and ask another question.

Shri Gurudas Das Gupta.

If you ask a relevant question, I will make the Minister react. But, if it does not concern, I cannot. We have got thousands of kilometres of railway line. We can ask the whole day. Next time.

कुमारी सईदा खातून: मेरे ख्याल से ऐसे नाबालिग बच्चों को पेंशन नहीं मिल रही।

SHRI GURUDAS DAS GUPTA: Madam, the point is this question was raised by me during the discussion on the Railway budget and the Minister made a similar statement in the budget discussion

that something will be done. Most unfortunately it appears to me that we are not having the same trade union George here in the Parliament who is now the Minister because a number of his colleagues are starving. If he wants to know the names I can give the names. Comrade Nishingo Chakravarty of CPI (M) and comrade Karuna Bhattacharya of CPI. They are all leading a starving life. I had personally written on a number of occasions to the Minister. I had informed the Minister while he was in Calcutta. I had referred to it while we have been discussing the budget. Every time comrade George seems to be eluding Mr. Minister. Therefore, my specific question to him is this, whether he will be answering the question in the way the previous Minister said. I want to know the specific time-frame for the reinstatement of the employees because rule is made for man, not that man is made to conform to rules. People are hungry and starving. He owes it to us. He owes it to his own colleagues. He owes it to the nation. He owes it to the Railway people. He must tell us the time-frame. The Prime Minister is present. The Minister must not be allowed to dodge the question. When he will do it? It is not essential that a review should be done. In West Bengal when the New Government came, they straightway introduced reinstatement of the dismissed employees.

My question is: (a) When they are going to be reinstated? (b) When the hungry trade unionists of the Railways and the ex-comrades of George are going to get food? (c) Why the watershed in 1980-81, why not before? (d).:

THE DEPUTY CHAIRMAN: Don't put questions up to (z).

SHRI GURUDAS DAS GUPTA. No. (d) Why it is essential that a bureaucratic red-tapism, a process of review has to be gone through by these wretched people of India?

SHRI GEORGE FERNANDES: In response to a question of time frame which was put by Mr. Malaviya whether it will be over by the end of 1990, I said "much before that."

I think a certain time-frame has already been ....

SHRI SUKOMAL SEN: Are you going to reinstate them?

SHRI GEORGE FERNANDES: I will see that the whole problem is resolved. How exactly is something which I will not comment upon at this particular moment.

SHRI PRAMOD MAHAJAN: Narrow gauge answers for broad gauge questions.

SHRI SUNIL BASU RAY: That is the duty of the Indian Railways.

SHRI SHABBIR AHMAD SALARIA: The question is whether these people were dismissed without a show-cause notice. That is number one. Number two, whether morally he is satisfied that their dismissal was wrong. Number three, whether legally except for reviewing, there is no way out to reinstate these persons. Number four ....

THE DEPUTY CHAIRMAN: You cannot ask so many questions. Just ask one question.

SHRI SHABBIR AHMAD SALARIA: At what stage does it come in after the prima facie case is made out for review or before that?

SHRI GEORGE FERNANDES: The hon. Member wants to know whether the removal of the trade unionists is justified. It all depends on how the administration or the Government of the day looks at trade union action.

SHRI SABBIR AHMAD SALARIA: What is your personal opinion? (*Interruption*).

SHRI GEORGE FERNANDES: I beleve that all victimisation is unjustified. There is no question of justifying victimisation. Victimisation by definition is unjustified. The very definition of victimisation means it is something that is unjustified.

PROF. SOURENDRA BHATTACHARJEE: If it is victimisation.

SHRI GEORGE FERNANDES: That

is right. Therefore, we are here discussing the case of trade union workers and if a trade union worker is victimised, it is unjustified. There is no question of further defining that matter.

Legislation for providing job reservations for SC and ST

*63. MISS SAROJ KHAPARDE: Will the Minister of WELFARE be pleased to state:

(a) whether Government propose to bring forward a legislation for job reservations for Scheduled Castes and Scheduled Tribes as a matter of right instead of depending on executive orders;

(b) whether a job reserved for Scheduled Castes and Scheduled Tribes would be filled up only by a suitable candidate from amongst them and not classified as general in any case; and

(c) if so, by when the legislation is likely to come before Parliament?

THE MINISTER OF LABOUR AND WELFARE (SHRI RAM VILAS PASWAN): (a) and (b) The Government have decided to bring forward the legislation for reservation of vacancies in posts and services in Central Government establishments for Scheduled Castes and Scheduled Tribes. This Legislation shall provide that vacancies reserved for Scheduled Castes and Scheduled Tribes shall be filled only by Scheduled Castes and Scheduled Tribes candidates with only such exceptions as may be laid down.

(c) The legislation is likely to be introduced in the Current session of Parliament.

कुमारी सरोज खापर्डे: महोदया, मैं तो आज यही समझकर आयी सदन में कि शायद मेरे इस सवाल का जवाब हमारे होम मिनिस्टर साहब देंगे। लेकिन आने के बाद पता चला कि राम विलास जी दे रहे हैं। मुझे प्रसन्नता होती कि रिक्त स्थान उप प्रधान मंत्री जी का अगर आपको मिल जाता और उस नाते अगर आप सवाल का जवाब देते तो मुझे बड़ी खुशी होती। लेकिन इसके बावजूद भी....**(व्यवधान)**

श्री प्रमोद महाजन: ऐसा लगता है सरोज जी आप रोज केबिनेट रीसफल कर रही हैं। She is not the leader of the National Front to distribute portfolios every day.

कुमारी सरोज खापर्डे: महोदया, इसके बावजूद भी मैं श्री राम विलास पासवान जी को बहुत-बहुत बधाईयां देती हूं और अपनी शुभकामनायें देती हूं।

THE DEPUTY CHAIRMAN: Let us discuss unemployed SC / ST which is the question and not the already employed ones.

कुमारी सरोज खापर्डे: मैं उस मुद्दे पर आ रही हूं। मुझे खुशी है मंत्री जी का जवाब सुनकर की प्रधान मंत्री जी ने और उनकी सरकार ने इस प्रस्ताव को मान लिया है। मैं प्रधान मंत्री जी का भी सदन में विशेष स्वागत करुंगी क्योंकि उन्होंने इस प्रस्ताव को मान लिया है और साथ ही साथ सदन में बैठे हुये सारी पार्टीज के सदस्य भी इस बेचैनी से इस बिल का इंतजार भी कर रहे हैं। महोदया, लेकिन मुझे सरकार से एक सवाल आपके माध्यम से पूछना है कि क्या आपकी सरकार इस बात का ध्यान रखेगी कि जो प्रतिरक्षित नौकरियां हैं वह केवल इन जातियों के ही धनाढ्य और पैसे वाले लोगों को, हमेशा अनुभव यही रहा है कि उपलब्ध होती हैं कहीं वह इसे हथिया न लें, बल्कि इनमें से जो गरीब से गरीब इंसान हैं उस गरीब को भी इसका लाभ उठाने का मौका मिलेगा? और साथ में इस बात का भी सरकार ध्यान रखेगी कि एक बार जो व्यक्ति रिजर्वेशन का फायदा उठा लेता है उस व्यक्ति को तब तक दूसरा मौका नहीं मिलना चाहिये, नहीं दिया जाना चाहिये जब तक कि दूसरे व्यक्ति का नम्बर नहीं आता।

श्री राम विलास पासवान: उपसभापति महोदया, सरोज खापर्डे जी बहुत ही अनुभवी हैं और सारी चीज को जानती हैं और मैं समझता हूं कि अनुसूचित जाति, जनजाति के संबंध में तो काफी जानकारी और है। लेकिन प्रश्न है कि आपने जो सवाल उठाया है, आप देखें कि भारत सरकार की स्थिति क्या है? भारत सरकार की जो सेवायें हैं उसमें क्लास-ए और बी, ए में अनुसूचित जाति का केवल 8 प्रतिशत कोटा अभी तक पूरा हो पाया है और द्वितीय श्रेणी में केवल 11 प्रतिशत कोटा पूरा हो पाया है। शेड्यूलड ट्राइब्स के प्रथम श्रेणी में 2.24 परसेंट हैं, द्वितीय श्रेणी में दो परसेंट है और तृतीय श्रेणी में उसका 4 परसेंट है, चतुर्थ श्रेणी में भी कोटे के मुताबिक नहीं है 6 परसेंट से ऊपर नहीं है। जो सार्वजनिक उपक्रम है। पब्लिक अंडरटेकिंग्स हैं उनमें शेड्यूल्ड कास्ट्स के क्लास वन में 5 परसेंट है, द्वितीय